

#7
MAR 13 2008

ORDINANCE NO. 4030

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PLANNED AREA DEVELOPMENT (PAD) FOR CONCEPTUAL COMMERCIAL USES TO PLANNED AREA DEVELOPMENT (PAD) AMENDED FOR COMMERCIAL AND RESIDENTIAL USES (DVR07-0034 SANTA MARIA VILLAGE) LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF CHANDLER, ARIZONA.

WHEREAS, application for rezoning involving certain property within the corporate limits of Chandler, Arizona, has been filed in accordance with Article XXVI of the Chandler Zoning Code; and

WHEREAS, the application has been published in a local newspaper with general circulation in the City of Chandler, giving fifteen (15) days notice of time, place and date of public hearing; and

WHEREAS, a notice of such hearing was posted on the property at least seven (7) days prior to said public hearing; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission as required by the Zoning Code

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

SECTION I. Legal Description of Property:

See Attachment 'A'

Said parcel is hereby rezoned from Planned Area Development (PAD) for conceptual commercial uses, to Planned Area Development (PAD) Amended for a mixed-use development with commercial and residential uses, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "SANTA MARIA VILLAGE" kept on file in the City of Chandler Planning Services Division, in File No. DVR07-0034, except as modified by condition herein.
2. Right-of-way dedications to achieve full half widths for Chandler Boulevard, McQueen Road and Superstition Boulevard including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
3. Undergrounding of all overhead electric (less than 69kv), communication, and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
4. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
5. The developer shall be required to install landscaping in the arterial street median adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
6. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
7. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
8. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.
9. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or a homeowners' association.

10. Homebuilder will advise all prospective homebuyers of the information on future City facilities contained in the City Facilities map found at www.chandleraz.gov/infomap, or available from the City's Communication and Public Affairs Department.
11. 48-inch box trees, 15-feet high at the time of planting, shall be installed along the north property line as part of Phase I.
12. A 7-foot high block wall shall be placed along the north property line.
13. Deleted.
14. The Pad C Firestone building's architecture shall match the Pad B grocery store's building architecture.
15. Deleted.
16. A second row of screen trees, installed as part of Phase I, shall be planted between the proposed residential component and Pad C/Pad D.
17. Pad D shall require separate future Preliminary Development Plan approval. The McQueen Road landscaping fronting Pad D shall be installed as part of Phase I.

SECTION II. Except where provided, nothing contained herein shall be construed to be an abridgment of any other ordinance of the City of Chandler.

SECTION III. The Planning & Development Department of the City of Chandler is hereby directed to enter such changes and amendments as may be necessary upon the Zoning Map of said Zoning Code in compliance with this ordinance.

INTRODUCED AND TENTATIVELY APPROVED by the City Council this ____ day of _____, 2008.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council this _____ day of _____,
2008.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4030 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2008, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY *GAB*

PUBLISHED:

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Attachment 'A'

That portion of the Southwest quarter of Section 26, Township 1 South, Range 5 East of the Gila and Salt River Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at a brass cap in hand hole found and accepted as the monument for the Southwest corner of said Section 26 from which a brass cap in hand hole found and accepted as the monument for the South quarter corner of said section bears North 89 degrees 54 minutes 50 seconds East a distance of 2630.89 feet;

Thence along the south line of said Southwest quarter, North 89 degrees 54 minutes 50 seconds East a distance of 473.01 feet;

Thence departing said south line, North 00 degrees 51 minutes 29 seconds East a distance of 65.01 feet to the northerly right-of-way of Chandler Boulevard, being the **POINT OF BEGINNING**;

Thence continuing, North 00 degrees 51 minutes 29 seconds East a distance of 239.00 feet;

Thence South 89 degrees 54 minutes 50 seconds West a distance of 408.00 feet to the easterly right-of-way of McQueen Road;

Thence along said right-of-way, North 00 degrees 51 minutes 29 seconds East a distance of 74.34 feet;

Thence continuing along said right-of-way, North 02 degrees 46 minutes 03 seconds East a distance of 150.08 feet;

Thence continuing along said right-of-way, North 00 degrees 51 minutes 29 seconds East a distance of 160.00 feet;

Thence continuing along said right-of-way, North 89 degrees 08 minutes 25 seconds West a distance of 5.00 feet;

Thence continuing along said right-of-way, North 00 degrees 51 minutes 29 seconds East a distance of 91.76 feet;

Thence departing said right-of-way and along the south line of "The Tradition", a subdivision plat recorded in Book 341 of Maps, Page 14, Maricopa County Records, North 89 degrees 54 minutes 50 seconds East a distance of 1197.59 feet to the westerly right-of-way of Superstition Boulevard;

Thence along said westerly right-of-way, South 00 degrees 05 minutes 10 seconds East a distance of 695.00 feet;

Thence transitioning from said westerly right-of-way to said northerly right-of-way of Chandler Boulevard, South 44 degrees 54 minutes 50 seconds West a distance of 28.28 feet;

Thence along said northerly right-of-way, South 89 degrees 54 minutes 50 seconds West a distance of 781.38 feet to the **POINT OF BEGINNING**.

The above-described parcel contains a computed area of 761,617 Sq. Ft. (17.4843 acres) more or less and is subject to any easements, restrictions, or rights of way of record or otherwise.

Prepared by: CMX, L.L.C.
3100 W. Ray Road
Suite 201
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Project No. 7326
July 20, 2007



Greg G. Rugland